Apartheid in Trade Unions.

The then Minister of Native Affairs said in 1948,(1) "The Party is opposed to the organization of Natives into trade unions, and advocates a system whereby the State, as guardians, will take care of their interests". In an address given in October, 1952, the Minister of Labour is reported to have said that it was the policy of the Government that there should be segregation in the trades unions, but this could not be easily achieved.

When the new government came into power it scrapped the Industrial Conciliation (Natives) Bill, drafted by the Smuts government, which provided for some form of recognition for African trade unions, and appointed an Industrial Legislation Commission to investigate the Acts concerning workers and industrial relations, the functioning of trade unions, and machinery for the prevention and settlement of industrial disputes involving Non-Europeans. In 1953 the Native Labour (Settlement of Disputes) Act, which ignored many of the Commission's findings and recommendations, was passed by Parliament. The Act re-defines the term "employee" in the Industrial Conciliation Act to exclude all Africans. (Previously only pass-bearing Africans were excluded, and African women could thus become members of such trade unions as would accept them). Separate machinery is to be provided for settling labour disputes involving Africans, consisting of Regional Native Labour Committees with appointed African members sitting under a European chairman, and a central Native Labour Board with all-European membership. Strikes, lock-outs and sympathetic strikes are prohibited. The position of African trade unions under the Act is unchanged: they are not prohibited but will not enjoy official recognition, and the Minister of Labour has said (2) he expects that they will die a natural death. Effects of the Act are that registered trade unions are prohibited from having mixed European and African membership; direct bargaining between employers and African employees is prevented; and African trade unions are excluded from participation in Industrial Council and Wage Board proceedings.

The Native Labour (Settlement of Disputes) Act is reported already to have had unfortunate results. Previous to its passing, African women employed in the clothing industry had, together with European, Coloured and Asiatic employees, been members of the Garment Workers' Union, and were thus covered by the general industrial council agreement. The principle of equal pay for equal work prevailed. After the passage of the Act, however, African women were no longer officially considered to be "employees". Certain clothing factories then commenced training Africans to replace European workers at lower wages.

European trade unionists have so far not achieved a united front, and have been confused about where their true interests lie. Some want to maintain the colour bar in industry, in the trade unions and therefore in industrial council machinery; others advocate legislation and wage determinations and agreements equally applicable to all racial groups. Until 1950, the S. A. Trades and Labour Council was the only national co-ordinating body. In 1948, however, with the spread of the apartheid ideology, a number of unions commenced an agitation against the affiliation of African unions, and against the communists who, they said, dominated the Council. Finally a number of organizations broke away and established a rival body, the S. A. Federation of Trade Unions.

In 1950 the Suppression of Communism Act was passed, which defined communism so widely as to include any scheme aiming at bringing about political, industrial, social or economic changes by the promotion of disturbance or the encouragement of feelings of hostility between White and Black. Any organization might be declared unlawful if the Governor-General considered it was furthering the achievement of any of the aims of communism. A Liquidator was

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(1) Assembly Hansard of 7th September, 1948, Col. 1730.

(2) Assembly, 4th August, 1953. Hansard No. 4, Cols. 867, 872.

appointed to compile a list of names of officials or active supporters of organizations declared unlawful, after asking such persons to show cause why their names should not be included. Those whose names were listed had one recourse only: they could, in terms of a subsequent Supreme Court decision, petition the Courts to investigate the correctness of the facts of their membership or active support of the unlawful organization.

The Minister was empowered, in his discretion, to order those listed to resign from any organization, to prohibit them from attending gatherings, and to order them to remain in certain areas. Their only recourse was to petition the Courts to set aside the ruling on the ground that the Government had acted in bad faith, or ultra vires the law, or without applying its mind to the issue. An amendment Act passed in 1951 made the provisions of the principal Act retrospective, thus establishing the precedent that an individual could be penalised for an action that was lawful at the time it was carried out. Subsequently, the Appeal Court ruled that a person whose name had been listed should be given the opportunity of making representations in his defence before being banned from attending meetings. A number of prohibition orders had to be withdrawn in consequence. The Government thereupon introduced the Riotous Assemblies and Suppression of Communism Amendment Bill, in terms of which an individual who had been banned from attending meetings could not demand an enquiry, but could ask the Minister to supply reasons for the prohibition order.

This legislation has been described in some detail to make it clear that there is a difference between "statutory communism" and communism as it is usually known.

By February, 1954, the names of 42 leading trade union officials had been placed on the Liquidator's list, and 27 of these officials had been ordered to resign from their unions.(1)

It is reported that the Industrial Conciliation Amendment Bill provides that no further "mixed" trade unions are to be registered. Existing "mixed" unions (there are 72 of these) must form separate branches for White and Coloured members. Should splinter sections representing one particular race wish to break away, these will be separately registered and the assets of the original union will be divided between the two groups. The Bill specifies that no trade union shall affiliate to any political party; empowers the Minister to declare any industry as "essential" and to make striking in such industries illegal and arbitration compulsory; and provides for the creation of an industrial tribunal of appeal. After the establishment of this tribunal, appeals to the Courts are to be on points of law only.

When the terms of this Bill became known, leaders of trade unions commenced efforts to form a central council of Trade Union Federations. What the effect of this move will be on attitudes of European workers to Non-Europeans remains to be seen.

Colour Bars - Horizontal and Vertical.

Segregation in individual industries and factories has been advocated on many occasions by Government spokesmen. It emerges that the apartheid policy envisages horizontal colour-bars in industries in European areas, and vertical colour-bars as between European and Non-European spheres of work; the Prime Minister, in his letter to the African National Congress on 29th January, 1952, wrote, "It should be clearly understood that while the Government is not prepared to grant the Bantu political equality within the European community, it is only too willing to encourage Bantu initiative, Bantu services and Bantu administration within the Bantu community, and there to allow the Bantu full scope for all his potentialities".

Considerable action has been taken since 1948 in pursuance of this policy. One of the new government's first moves was to instruct the Controller

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(1) Information given in Assembly by Minister of Justice, 2nd February, 1954. Hansard No. 1. Col. 20.

of Building to give preference, in the allocation of building permits, to those factory owners who wished to make alterations to bring about apartheid in their factories. The Cape Corps and Native Military Corps, which had served with distinction during the war, were disbanded in 1949, and the decision made that Non-Europeans would in future serve in the Defence Department as labourers only. Later the Cape Corps Auxiliary Service and the Bantu Labour Service were created.

In March, 1949, a circular was issued by the Prime Minister's Department re-affirming the "civilized labour" policy of 1924. In all government departments, except Native Affairs and the Railways and Harbours, "civilized" labour was to be substituted wherever possible for "uncivilized". The Minister of Labour said(1) in March, 1951, that over the two-year period, 1,696 Africans in government or provincial service had been replaced by 1,290 Europeans and 406 Cape Coloured men. This had involved an additional expenditure of approximately £226,000.

During the last six years large numbers of permanent, salaried posts have been created for Non-Europeans in the public service, in positions where they serve their own people. About 18,800 such posts now exist, principally in the departments of Police, Native Affairs, Posts and Telegraphs, Prisons and Health. Over half the police force now consists of Non-Europeans.

It was decided during 1949 that no further trading licences were to be granted in Trust and Native areas to persons other than Africans. Measures to prevent abuses in the recruitment of Africans were provided for in the Native Laws Amendment Act of the same year.

Attention has been given to the provision of employment for urban Non-European youths. It was estimated in 1950(2) that there were then some 20,000 unemployed African juveniles in the Johannesburg area alone. Many of these lads were drifting into crime. During 1953, the Minister of Labour authorized Divisional Inspectors of Labour in large towns to grant exemptions from wage determinations in respect of African juveniles of sixteen years and over, who are to be paid on a sliding scale according to their age and experience. The officials of labour bureaux have successfully sought the co-operation of industry and commerce in placing many of the lads. Those who are "work-shy" are to be sent, on a voluntary basis wherever possible, to training camps to be established on selected Native Trust farms, where they will be employed on work such as soil reclamation, and where every effort will be made to rehabilitate them physically and morally. A similar training school is envisaged for Coloured youths. After their training the lads will be passed back into normal employment through labour bureaux.

The Native Building Workers' Act of 1951 for the first time gave legislative sanction to differentiation in rates of pay as between Europeans and Non-Europeans doing similar work. In practice the Wage Board had found that the principle of equal pay for equal work could not at present be universally applied due to differences in the standard of living of consumers. This, it was argued, applied particularly to the building industry, for if rates applicable to European artisans were paid to workers erecting houses for Non-Europeans, the costs were so high that under present circumstances it was impossible for Non-Europeans to buy the houses or to rent them at economic rentals. The Act provided for the training and registration of Africans as skilled building workers to work in Native areas only; and for the establishment of a Native Building Workers' Advisory Board (a European official member of which is appointed to represent African interests) to advise the Minister of Labour on standards of training and conditions of employment. A proposed wage determination has been published: in terms of this African building artisans on the Reef will be able to rise progressively to a wage of about £21 a month (including cost-of-living allowance). The average European

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(1) Senate, 5th March, 1951.

(2) Estimate by the Johannesburg Youth Board based on results of a sample survey.

engaged in this work earns £57 and receives certain other benefits.

The Minister of Labour said in 1953(1) that it might prove necessary to empower him to direct that certain types of work might only be done by certain races. It is reported that the Industrial Conciliation Amendment Bill, shortly to be placed before Parliament, contains a clause enabling the Minister, whenever he deems it expedient in order to safeguard the economic welfare of employees of any race, to determine that in any undertaking the work shall be performed exclusively by the race he specifies.

Again in the matter of colour-bars it is too soon to measure the results of the Government's policy. Certain facts are worthy of mention, however. The re-introduction of the "civilized labour" policy did not prove an unqualified success: several State departments found during 1950 and 1951 that the employment of European unskilled labourers was unsatisfactory, and Africans were re-engaged.

State Services, no less than manufacturing industries, have found it impossible to reverse the trend towards further economic integration. A staff shortage in the public service has grown progressively worse, and Non-Europeans are now being employed in posts where they serve not only their own people, but also Europeans, for example as messengers, post-boys and drivers. The Minister of Labour said recently(2) in reply to a question in Parliament that State industrial undertakings such as the S. A. Coal, Oil and Gas Corporation (S.A.S.O.L.) and the Phosphate Development Corporation have found it necessary to employ large numbers of Africans, though with a very few exceptions in unskilled capacities only. Yet the State has been unable to find the number of skilled workers it needs from the ranks of the Europeans in South Africa, and S.A.S.O.L. has had to recruit artisans from European countries. Amongst others, nearly 200 Germans were brought to South Africa for the construction of the plant.(3) In private industries, however, the number of Non-Europeans in skilled and semi-skilled posts continues to increase.

Taxation.

Since the early days of agricultural and mining development when it first became necessary to attract labour, Africans have been taxed on a different basis from that applicable to other groups. All African male adults have to pay poll tax or other taxes, whereas members of other races are exempt until their incomes reach a certain level. Yet if an African's income rises until it reaches the level at which income tax is imposed for other groups, he is required to pay this.

Until recently, little action on this matter had been taken since 1948. In 1951 an inter-departmental committee was appointed to enquire into the Native taxation system, but its findings were not made public.

In 1954, however, there was a startling new development. In his Budget speech on March 24th the Minister of Finance said that the future contribution of income-taxpayers to the costs of African education would be pegged at the present level, and that any further sums required would have to be found by the Africans themselves. Yet at present, only about one-third of the African children are in school.

Non-European Labour in European Farming Areas.

Government policy since 1948 has been that while the drift of Non-Europeans to the towns must be halted and all Africans considered surplus to

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(1) Assembly Hansard No. 9, 9th September, 1953, col. 3180.

(2) Assembly Hansard No. 5, 5th March, 1954, col. 1633.

(3) From article by the Managing Director of S.A.S.O.L., circulated by the State Information Office, January, 1954.

urban requirements removed from these areas, every effort must be made to overcome the shortage of labour on European farms.

One of the first steps taken was to provide for grants of up to £80 to farmers wishing to build church-schools for Africans.

Previous governments had introduced the use of convict labour by farmers. Medium-term Non-European prisoners were sent to prison outstations partly to reduce overcrowding in city gaols, and partly because it proved difficult to find suitable employment on public works for all the Non-European men under sentences of hard labour. Since 1948, the number of prison outstations on farms has been increased: there are now 14 such prisons, accommodating 3,066 prisoners.

This scheme and the influx control measures have to a small extent improved the labour position. Of assistance too, has been a rise in average wages paid, which, for an African male, totalled £37:19:0 per annum in cash and kind in 1952 (excluding the rental value of free housing) as against £32:0:0 in 1947.(1) But cash wages obtainable in towns remained far larger, and the shortage of farm labour persisted.

The Government therefore decided in 1954 to re-introduce the Native Trust and Land Amendment Bill, drafted three years earlier. This amended Chapter IV. of one of the Acts comprising the Hertzog settlement - the Native Trust and Land Act of 1936.

There are four classes of Africans on European farms: full-time labourers; labour tenants who work for 12 to 16 weeks a year for the farmer in return for the right to grow crops and run stock on a portion of the farm; squatters maintained by certain farmers on parts of their estates as labour pools; and squatters renting land from a farmer but employed elsewhere, generally in urban areas nearby. Chapter IV. of the 1936 Act provided that full-time labour would be encouraged, that the labour-tenant system would be controlled, and that squatting must cease. Labour Tenant Control Boards were to be set up in various farming areas to determine the number of labour tenants each farmer might employ: those surplus to estimated requirements would have to go. As a first step to the ejection of squatters, farmers would have to register them and pay a fee for each. This fee would be progressively increased until it reached a level at which the farmer paid more to the State than he received in rentals, when it would no longer be worth his while to allow the squatters to remain. The Government was obliged to find alternative land for displaced labour tenants and squatters who desired this.

Chapter IV. of the 1936 Act had to be applied by proclamation to specific areas. An attempt was made in 1938 to apply it to the Lydenburg district, but this proved disastrous. The Act provided that remaining labour tenants had to render at least four months' service a year; but it happened that in the Northern Transvaal it was customary to demand three months' service only. Consequently when Chapter IV. was applied in Lydenburg, labour tenants moved away to neighbouring districts where they could serve for shorter periods. The Government attempted to find alternative land for all those displaced, but found this to be impossible. The proclamation was, therefore, repealed.

The Amending Bill of 1954 removes the obligation on the Government to find alternative land, substituting a far less binding provision. It states that if a displaced African desires to remain, and in the opinion of the Minister could reasonably have expected to have remained, in continued occupation of land, the Government may make such provision as the Minister may consider necessary and adequate for his settlement in a Native area. In the cases of other displaced Africans, the Government is to endeavour to make or assist in making other arrangements for placing them in employment or settling them on the land.

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(1) Agricultural Census figures.

When introducing the Bill, the Minister said that the application of Chapter IV. in one district alone had proved to be impracticable, but he hoped the new measure would succeed if applied in a large area or better still to the whole Union. It was impossible to provide alternative land for all those who would be displaced, but full-time work would be available for them on farms in other areas.

It is impossible to forecast the results of this legislation, for at the time of writing the Government has not announced how soon and how widely it will be applied. The Parliamentary Opposition feared that great numbers of Africans would be displaced: there were at least one-million labour tenants or squatters, it was said. A large proportion of them were aged or infirm people whom it would be impossible to place in employment. Where were these people to find a home? And what was to happen to the stock owned by the ex-labour tenants?

Plans for Rehabilitation of the Native Reserves.

One of the two keystones of the new Government's Native policy was the development of the Reserves. Africans were to be granted no political or equal social rights in European areas, but the Reserves, which were their true fatherland, would be augmented and reconstructed.

In defining his policy soon after his accession to power, the Prime Minister said,(1) "The building up and the reconstruction of the Reserves does not consist merely of work in the material field; it consists especially of a better care for the spiritual life of those Natives in the Reserves. What I mean thereby is this. In the Native you must build up self-esteem and a pride and love for everything that is his own ... We want to bring about the moral reconstruction of the Native nation, of the Bantu nation in its own area or areas ... Give the Native what is his own and let him keep it, and if he should have lost part of it already, try to reconstruct it for him".

Addressing the final session of the Natives Representative Council in 1950, the Minister of Native Affairs said, "As a flourishing community comes into being in such areas [the Reserves], demands will develop for their own teachers, their own traders, their own clerks, their own artisans, their own agricultural experts, their own leaders of local and general government bodies .... Our first object as a government is thus to lay the foundations of a prosperous producing community in the Native areas". He went on to talk of agricultural development, and parallel urban development, based upon the growth of industry within or just outside the Reserves. Africans in the latter industries would live in their own areas.

It is important to preface any consideration of what the Government has achieved in six years by mentioning that in 1950 the (Tomlinson) Commission on the Socio-Economic Development of Native Areas was set up. This Commission has toured the country exhaustively hearing evidence and examining conditions and resources, and its report is awaited with intense interest. Pending completion of its recommendations, the Government set up inter-departmental committees on culling of cattle and on mining and industry in the Reserves.

The formulation of large-scale plans for the Reserves, then, has been postponed, and the work done has been largely of an ad hoc nature.

The first matter of interest is the land-purchase programme. In terms of the Natives Trust and Land Act of 1936, areas then occupied mainly by Africans (the scheduled areas) were handed over to the Native Trust to administer. These amounted to 10,818,115 morgen, and it was decided that over a ten-year period a further 7,250,000 morgen (the released areas) would be purchased or otherwise acquired and added to the Reserves.

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(1) Assembly Hansard of 2nd September, 1948. Col. 1428.

At the end of 1949, 2,182,489 morgen had been purchased by the Trust, and a further 1,575,501 morgen had been handed over by the Crown (this was land occupied mainly by Africans) or purchased by Africans in released areas.(1) By 31st January, 1954, a further 192,733 morgen had been purchased and 545,813 otherwise acquired.(2) Of the 7,250,000 morgen it had been planned to add to the Reserves, 2,753,464 morgen were still to be acquired. The Reserves then formed about eleven per cent of the total area of the Union.

At the same time as this land was being added to the Reserves, however, Africans were being deprived of land in other areas, although not to nearly the same extent. Unfortunately statistics are not available. In certain parts of the country, for example the Eastern Transvaal and Northern Zululand, there is Crown land which has never been occupied by anyone but Africans, who are officially considered to be squatters. When such land is required for European settlement, the squatters' leases are terminated, they are permitted to demolish their homes and remove the materials, but no compensation is paid. There is no legal obligation on the Native Trust to find alternative land for the dispossessed Africans, although in practice endeavours are made to do so.(3)

Early in 1950, the Agricultural branch of the Native Affairs Department was re-organized with a view to speeding up the rehabilitation of the Reserves. During the year 1952/1953, the Trust spent £793,784 on land purchase, £996,035 on development work, and £1,096,734 on reclamation work.

The Native Laws Amendment Act of 1949, re-inforced by the Native Trust and Land Amendment Bill of 1954, contains clauses designed to prevent the uneconomic subdivision of land owned by Africans. Europeans in released areas are also to be prohibited from subdividing land and selling uneconomic portions to Africans. In 1949, also, the procedure for establishment of betterment areas was simplified. Contour ploughing in Native areas was made compulsory in terms of a proclamation issued in 1952. An African National Soil Conservation Association has been formed, and increased opportunities provided for promotion of Africans on the agricultural staff in the Reserves. The Minister of Native Affairs said in 1953(4) that 49 posts of Agricultural Assistant Grade I., and 6 posts of Assistant Engineering Foremen , had already been created and filled. Of the Agricultural Assistants employed, 23 were considered suitable for trial as Agricultural Foremen. Ten engineering assistants were being trained annually, and twelve men who had undergone such training had been appointed to supervise construction gangs with a view to their appointment as engineering foremen if they proved themselves sufficiently capable.

Annual educational conferences for chiefs and headmen are held in each of the Chief Native Commissioners' territories (except for the Witwatersrand). At these conferences lectures, demonstrations and film shows are given in connection with agriculture, health, law, administration and the encouragement of home industries. Bursaries are made available for secondary education for children of chiefs and headmen.

One of the two agricultural schools in the Transkei run under the supervision of the General Council was closed in 1949, but the Government agricultural school for Africans at Fort Cox in the Ciskei has been re-organized and additional courses provided to train men for holding more responsible posts on the Department's agricultural staff in the Reserves.

This work has not all been inaugurated since the present government came into power, but it has been maintained and in some cases extended. Unfortunately,

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(1) From Table CXLVI., Report of Commission on Native Education, UG.53/1951.

(2) From information by Native Affairs Department and State Information Office Newsletter 737 of 26th February, 1954.

(3) Information from Secretary for Lands and Secretary for Native Affairs, 1952.

(4) Assembly, 4th August, 1953. Hansard No. 4, Col. 860.

with the exception of a few areas, e.g. parts of the Northern Transvaal and the Glen Grey district, the response of Africans to the rehabilitation measures continues to be poor, and suffered a setback during the Defiance Campaign of 1952, referred to later in this article.

While again bearing in mind that the Report of the Tomlinson Commission is not yet available, it appears that there have been no startling developments in the Reserves since 1948. The pace at which land has been added is slower for the period 1950 - 1953 (average of 15,000 morgen a month) than it was from 1936 to 1949, when the average was 23,500 a month; thus the Reserves remain very seriously overpopulated and hence overstocked, and the erosion of the land continues. The Keiskammahoek Rural Survey, recently concluded, showed conditions of desperate poverty in the Ciskei and made it clear that the men and many of the women had no choice but to go to the towns to work. Professor Monica Wilson, who participated in the Survey, recently wrote,(1) "There are too many people on the land for them to make a living off it; a third of the families domiciled in the district have no land of their own, and the main income of all the families, whether landless or not (save the few whose fathers have paid jobs in the district), comes from earnings in town. The income for a family of six averages about £50 a year and of that, over £40 comes from town and only £9 in cash and kind from their land". These conditions are not typical of all Native areas; but it is certainly true that only a very minute proportion of the Reserve-dwellers can make an adequate living off the land.

It was suggested by the S. A. Institute of Race Relations in 1951 that it might prove possible to irrigate the Makatini Flats in Northern Zululand, and if so, there could be no better proof of the Government's intention to create a national home for Africans to compensate for loss of rights in European areas than to develop this area for their benefit. The Flats are Crown land, but have never been occupied by anyone but Africans and are surrounded by Native Reserves. During 1952 the Prime Minister made an inspection flight over the area, and the Department of Lands has been carrying out surveys. It now appears, however,(2) that if it is feasible for the Flats to be irrigated, the intention is for them to be allocated for European settlement and used for sugar production. The land east of the Flats, which offers far fewer possibilities for development, may, the Minister indicated, be apportioned to Africans as part of the 1936 quota.

## VI. APARTHEID IN THE SOCIAL SPHERE.

### Opposition to Miscegenation.

The present government, like every South African government since the very early days at the Cape, is opposed to intermarriage between White and Black.

In 1949, the Prohibition of Mixed Marriages Act was passed, which made marriages between Europeans and Non-Europeans illegal, and placed the onus of deciding the race of persons seeking to be married on marriage officers. The Immorality Amendment Act of 1950 extended to Non-Europeans generally the provisions of a 1927 Act which had prohibited illicit carnal intercourse between Africans and Europeans.

These Acts caused a fair amount of hardship, particularly in "borderline" cases. The incidence of mixed marriages had never been high, averaging one hundred a year between 1940 and 1945. During the Parliamentary debate, opposition members maintained that miscegenation cannot be prevented by legislation, but by adequate moral, social and religious sanctions only. Furthermore, the

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(1) In a paper given at the 24th Annual Council Meeting of the S. A. Institute of Race Relations, January, 1954.

(2) From information given in the Assembly by the Minister of Lands, 24th August, 1953. Hansard No. 7, cols. 2176, 2177, 2196.

order in which the Acts were introduced caused distress in a number of cases: first, couples concerned were prevented from marrying, and later they were prevented from continuing to live together. The Minister of Justice later requested public prosecutors not to institute proceedings against aged Europeans and Non-Europeans who had lived together for long periods as man and wife. The number of convictions under the Immorality Act has not been large: in 1952 they totalled 152 for Europeans and 162 for Non-Europeans.(1)

Determination of Racial Groupings.

The Population Registration Act of 1950 provided for the compilation of a register of the population of the Union, and for the classification of the people into three main groups - Europeans, Coloured people and Natives, the two latter groups to be again subdivided. The racial group of an individual is to be determined by his appearance and by general acceptance and repute: in practice, decision will generally lie with census enumerators, although provision is made for objections to be lodged. Identity cards will be issued to all those over the age of sixteen whose names appear in the register.

It was subsequently decided that in the case of African males, the identity cards are to be combined with the new reference books to be issued under the Natives (Abolition of Passes and Co-Ordination of Documents) Act of 1952. Fair progress has been made with the issuing of these documents to Africans in several of the larger urban areas; but little has been done in regard to identity cards for other groups: the task involved is apparently proving far larger than was anticipated.

One of the main effects of the Act will eventually be that it will no longer prove possible for Coloured people to "pass" into the ranks of the Europeans. Everyone's racial group will be fixed, and mixed marriages are prohibited.

Residential Segregation.

The present Minister of Native Affairs outlined the Government's policy in regard to apartheid in the towns when he addressed the final session of the Natives Representative Council in 1950. "The first well-known requirement of this policy", he said "is that, not only the residential areas of White and Non-White should be separated, but also that the different Non-European groups, namely the Bantu, the Coloured and the Indian, should live in their own residential areas". The previous Minister of Native Affairs had gone even further, saying,(2) "As far as possible, members of the same race or tribe should be housed together so that the tribal relationship can be restored and maintained".

In 1950 the Group Areas Act, one of the most complicated pieces of legislation that has ever been before the House, was brought into force. In terms of this Act and of proclamations subsequently issued thereunder, the whole of the Union has now become a controlled area (certain towns have been made specified areas, but the difference is slight) in which inter-racial transfers of property are subject to permit. From the controlled areas, group areas will gradually be carved out in which either occupation or ownership or both will be restricted to persons of a specified racial group.

In areas reserved for occupation by a particular group, members of disqualified groups will have to move out before the date specified in the

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(1) Minister of Justice in the Assembly, 12th February, 1954. Hansard No. 2, col. 467.

(2) House of Assembly, 24th April, 1950.

proclamation, which will be at least one year after the date of this proclamation. The restrictions will not apply to employees resident on an employer's premises, or to visitors. In areas reserved for ownership, property owners belonging to disqualified groups can continue for life to own the properties but may not occupy them. They can bequeath them to other disqualified persons, but such an heir would be given one year in which to dispose of the property to a member of a qualified group. Companies are to be given a group character according to the race of the persons holding the controlling interest. A disqualified company will not be debarred from occupying property in a group area proclaimed for occupation, but, with certain exceptions, if the area is proclaimed for ownership a disqualified company holding property there will have to dispose of it within ten years. Special permits are provided for to cover exemptions from all these clauses. A Land Tenure Advisory Board was established to hear evidence, collect information, and advise the Minister on the proclamation of areas and the issue of permits.

It soon became obvious that, even in small and recently-established towns, the different racial groups could not be compartmentalized as easily as had been anticipated. An Amendment Act passed in 1952 therefore enabled the Governor-General to define an area which he proposed in the future to declare a group area and provided that, after an area is defined in this way, the use of land there will be controlled to prevent development that would be in conflict with its future status. It contained other provisions designed to overcome further difficulties that had arisen.

The next major defect that became apparent was that property values were seriously affected in defined areas and areas likely to be defined. The Government has announced its intention of further modifying the Act to make provision for a system of public acquisition of property to protect owners affected by race zoning, also to provide for the payment of excess profits to the State.

Local authorites have been asked to study how the Act can best be applied in their areas; Government Reference and Planning Committees have been appointed to draw up independent proposals for major urban and industrialized areas; and the Land Tenure Advisory Board has toured the Union hearing representations from these bodies, other organizations and interested individuals. Unexpected difficulties have arisen: in some cases publication of race zoning proposals evoked protests from all the four main racial groups. No group areas have yet been proclaimed.

The Minister of Native Affairs, whose approval is required for the establishment of new African townships or for alterations to existing ones, insists that sites for new townships should be away from developed areas, or, should this be impossible, should be separated from main roads or areas occupied by other groups by industrial areas or other buffer strips. He has recently instructed that tribes must be segregated within new townships.

The Minister's next objective is to tidy up "black spots" in the towns. In Pretoria, Cape Town, Johannesburg and other cities he hopes to eliminate certain African townships which are considered to be impeding European expansion, and to congregate all the Africans in one or two large areas. The previous government had planned to move about 70,000 Africans from Sophiatown, Martindale, Newclare and Pageview in the Western Areas of Johannesburg (where freehold title is available to them) to an area, as yet undeveloped, south of the city. The present government decided to implement this scheme without delay. An ad hoc committee was appointed to draw up a plan for the removal of the Africans: its plan was in due course adopted by the Johannesburg City Council subject to certain safeguards, which were that freehold title should be available in the resettlement area, Meadowlands, to those who possessed this previously; adequate transport and social and recreational facilities should be provided; no-one should be moved until alternative accommodation was available ; and the removal scheme should not impede the City's normal housing programme. These conditions were not acceptable to the Government, which decided to proceed with or without the City Council's co-operation.

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The Minister announced that leasehold tenure only would be available at Meadowlands; but agreed later that those deprived of freehold in the Western Areas would be permitted to buy land in the Reserves. The Natives Resettlement Bill was then introduced. This applies to the four townships in the Western Areas and to such other areas in Johannesburg as may be determined. It provides that a Resettlement Board shall be established, with the status of a corporate body, to undertake the removal scheme. Of the nine members (all appointed), four will be chosen on the ground mainly of their knowledge of the affairs of the City Council.(1) The Board will be responsible directly to the Minister of Native Affairs; is empowered to acquire, develop and dispose of land, to build houses and to grant leases and building loans. It may require the Council to supply essential services to the areas it acquires, which will include Meadowlands, recently purchased from the City Council by the Government.

The Board is to be empowered to expropriate properties in the Western Areas if it is unable to purchase them on reasonable terms. Compensation payable shall not exceed the lesser of either the Municipal valuation plus 20% or the purchase price plus 6% per annum, and the assessed goodwill value of professions or businesses of land-owners will be added. Africans from the Western Areas who are required to move must be provided with alternative accommodation, or, if they prefer, a plot on which to build for themselves. If an African fails to vacate premises as ordered, the magistrate may give him three days' notice of orders for his summary removal and the demolition of his immovable property: he may appear before the magistrate during this period to plead his cause. No action shall lie against the Board or any official acting under its orders for loss or damage sustained.

The Board is to be given extensive powers over the Johannesburg City Council. Subject to three months' notice it may transfer to the Council any land and improvements in its possession: the Council will be bound to accept transfer and to pay for the properties and also for any expenses incurred by the Board directly or indirectly in connection with the removal of Africans. If the Board considers that the Council has failed to carry out adequately any work it has been ordered to do, the Minister may direct the Board to undertake this work, recovering the costs from the Council by action in court, by levying a special rate on property in Johannesburg, or by deduction from any moneys due to the Council from the Treasury or Administration. The Board may be vested with the powers of administration of Native affairs in the areas it acquires, thus depriving the Municipality of any jurisdiction.

This, then, is the way in which the Minister of Native Affairs proposes to deal with the Western Areas of Johannesburg and such other areas in this city as may be determined. But there are "black spots" in other towns that he may decide should be eliminated. He is apparently seeking power to do so through the Natives (Urban Areas) Amendment Bill, which provides that, after a public enquiry has been held, the Minister may require a local authority to take steps for the removal, curtailment or abolition of any location, Native village or hostel, on terms to be specified by himself (including terms for the payment of compensation to Africans affected). To the definition of "accommodate" in the principal Act, which read "to house or provide with lodging" is added the words "or to make available for occupation any land or premises". The object is presumably to cover site-and-service schemes, but there is no mention of services, and in theory it would be possible for the Minister to order that Africans should be moved from their homes to bare veld.

The Bill also seeks further to limit the number of Africans living in European suburbs. Domestic servants are in future to be exempt from living in locations or hostels only if accommodated on the premises where they are employed, and no children under twelve may be so accommodated. Furthermore, the provision of such accommodation must in future be approved by the Minister as well as the local authority. No employer will be permitted to house more than five Africans on his premises unless he has received special permission: this clause is intended to deal with "locations in the sky", i.e. the housing of Africans in rooms on top of flats or hotel buildings.

Recommendations /...

(1) Following debate during the Committee stage of the Bill, it is possible that membership of the Board may be increased.

Recommendations for racial zoning of the Witwatersrand-Vereeniging area have been submitted by the Mentz Committee, appointed by the Government: these would involve the removal of many thousands of Africans besides those in the Western Areas, and of many Coloured people and Asiatics too.

It is clear that the Government intends taking very drastic steps to implement its policy of residential apartheid. Few practical results have yet been achieved: the cost of removal schemes will obviously be stupendous even if site-and-service schemes are resorted to wherever possible. But a vast amount of ill-will has been created. For four years now, development and renovations have been held up and the property market has slumped in areas liable to be affected under the Group Areas Act. Approval of new housing schemes has been delayed pending finalization of proposals for racial zoning. Many of the plans for group areas have met with fierce opposition from all four racial groups, consequently, although four years have elapsed since the passage of the Act, no group areas have yet been proclaimed. As result of publication of this measure, the Indian Government withdrew from a conference that had been planned to discuss the Indian question in South Africa, and since then the matter has been bitterly debated at each session of the United Nations, engendering much hostility particularly in Asian countries to South African policies. In a number of smaller towns the local authorities are endeavouring to have the homes and businesses of Indian residents moved to undeveloped areas out of town, thus, in effect, suggesting that they be deprived of their livelihoods. In one town it has even been suggested that the "Roman danger" should be removed. Many Africans are planning actively to resist the Western Areas Removal Scheme. Larger local authorities are becoming very seriously perturbed at the threatened usurpation of their statutory powers and rights.

Provision of Housing.

When the new Government took over, the National Housing Formula was in force, whereby money for sub-economic housing was loaned to local authorities at $3\frac{1}{4}$ per cent per annum interest, subject to the nett losses in administration of the schemes being shared between the State and the municipalities. It was decided in 1948 to revert to an earlier formula under which money was advanced at $\frac{3}{4}$ per cent., and no longer to require local authorities to assess the rentals in such a way that they bore a loss. The annual sum voted by Parliament has not been increased. During 1952, the National Housing Office informed local authorities that in future they would be required to conduct annual surveys of the incomes of tenants of sub-economic houses, and to charge economic rentals to those whose incomes exceeded the stipulated amount. Present family income-limits for sub-economic housing are £30 for Europeans, £20 for Coloured families and £15 for Africans: local authorities consider these to be much too low.

The Minister of Housing recently announced(1) that it was Government policy gradually to abolish sub-economic schemes. Houses in such schemes are being sold by instalments to tenants, and every effort has been made, in new schemes, to build so cheaply that the occupants will be able to afford to pay economic rentals. Site-and-service schemes are favoured for Africans, approved applicants being provided with building materials on the hire-purchase system.

State loans have been available to local authorities for provision of essential services within a township, but in the past, inability to find funds for linking a new township to outside roads and water and other mains sometimes caused delays. The Native Services Levy Act of 1952 was designed to overcome this difficulty. Under this Act, urban employers of male Africans who do not supply approved accommodation for them must contribute up to 2/6 per week per employee (the exact amount depending on local conditions) to a Services Levy Fund, which is to be used for the provision of water, light and sewerage mains and roads to African townships and for the subsidization of transport services.

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(1) Senate, 11th March, 1954. Hansard No. 2, col. 183.

The Prevention of Illegal Squatting Act of 1951 prohibited squatting in urban areas without permission, and empowered local authorities to establish emergency camps for homeless people and to issue regulations for their control.

In order to facilitate co-operation between Government Departments concerned, local authorities, and bodies such as the National Housing and Planning Commission and the National Building Research Institute, a housing section within the Native Affairs Department was established in 1952. An Inter-Departmental Committee was appointed the following year to inquire into the housing shortage, the priority to be given to housing, the funds required and the sources from which these should be obtained. The National Building Research Institute has conducted experimental work on reduction of building costs through greater economy in materials and use of labour; and has made detailed investigations of the amounts Africans can afford to pay for housing, and studies of their social needs and living requirements. One way in which building costs have been reduced is through the use of skilled African building workers at lower rates of pay than those applicable to Europeans: the Native Building Workers Act, which legalized this, is described in an earlier section of this article.

It was mentioned earlier, too, that Africans who are removed from townships where they have possessed freehold title will not be granted such title in other urban areas, although they may buy land in the Reserves instead. Thirty years' leasehold of plots is the maximum security to be offered in urban areas. This involves grave disadvantages. Property-owners in Sophiatown, for example, are at present subject only to municipal regulations applying to European property-owners too, and their friends can visit them freely without special permits. Tenants in this township, if behind with their rent, are liable only to civil action. But Meadowlands, to which these Africans are to be moved, will be a proclaimed location, where home-ownership on a leasehold basis only is permitted. Owners may not sell or bond their property except with the permission of the authorities, and if they cease to qualify to remain in Johannesburg or infringe location regulations they may be evicted; tenants may be evicted for similar reasons; those who are even one month behindhand with rent or instalments are liable to imprisonment or eviction; and visitors require permits from the Location Superintendent.

The shortage of housing for Non-Europeans grows progressively greater: it was officially estimated in 1952 that the requirements for Africans alone were 167,328 dwellings, and that a further 185,813 dwellings would be needed during the next ten years. This estimate did not take re-settlement and slum clearance schemes into account. If the shortage is to be overcome, the target should be the provision of say 36,000 houses a year for Africans: only 8,375 were built during 1952. Of these, 3,673 were sub-economic houses built by local authorities, most of the remainder being economic houses built by Africans themselves. During 1952 also, 1,246 sub-economic houses were built for Coloured people and 287 for Europeans.

Segregation in Transport and Other Public Services.

During the first two years of its office, the new Government introduced apartheid in railway trains and stations, post offices and other public places. The National Transport Commission was instructed to investigate urban road passenger services throughout the Union, examining, inter alia, how separation of European and Non-European passengers is to be secured where it is not already in force.

A number of court cases followed, in which the judgements were that if separate facilities were provided for various groups these facilities must be substantially equal. The Government then introduced the Reservation of Separate Amenities Act, passed in 1953, which provides that any person who is in charge of or has control of any public premises or public vehicle may, whenever he deems it expedient, reserve such premises or vehicle or any portion thereof for the exclusive use of persons belonging to a particular race or class. Such action, whether past or future, cannot be ruled invalid on the grounds either that provision is not made for all races or that the separate facilities provided for the various races are not substantially equal.

Educational /...

Educational Facilities.

The Government's policy in regard to the education of Africans is fairly clear; and it appears that to a modified extent a similar policy may be envisaged for the Coloured people. At the opening of the final session of the Natives Representative Council in 1950, the Minister of Native Affairs said, "The reason why the policy of apartheid is also deeply concerned with suitable education for the Bantu is now apparent; for it brings with it the need for properly qualified Bantu in many spheres. The only and obvious condition is that the Bantu should use his development and knowledge exclusively in service of his own people". In 1954 he said,(1) "The Nationalist Party adopts the attitude that the European will make available a certain amount for the education of Natives and that the possibilities of expansion thereafter will be based on the willingness and the ability of the Native to pay for his own further education ... The Native must be educated to serve his own people, and therefore there will be those amongst them who will have to receive University training in order to serve their own people - not to serve a mixed community in a mixed society. He must, however, receive his training separately".

In March, 1949, a Commission headed by Dr. W. W. M. Eiselen was appointed to formulate the principles and aims of education for Africans as an independent race, and to investigate the changes which are necessary in the organization, administration and financing of Native education. While this Commission was busy with its investigations few changes were made. The previous Government's estimates for expenditure on Native Education were adopted, and during the year 1948/49 a sum of £5,452,752 was spent, including £870,000 for school feeding and £207,447 for buildings. Approximately 720,000 African children were then attending State and State-aided schools, representing about 34 per cent. of the African children of school-going age.

Each year thereafter, until 1954, the vote for Native Education was increased and in the estimates for 1954/55 totalled £8,498,000. By 1953, there were 883,896 attending State and State-aided schools, representing roughly 41 per cent of the total number of Africans of school-going age.(2) It is of interest that although the expenditure increased considerably, well over half the African children were as yet unprovided for. Moreover the expenditure on Africans could hardly be called lavish. In 1951/2 the State spent £43.88 on each European pupil, but only £7.58 on each African. The figure for Coloured and Asiatic pupils was £18.84.(3)

The Eiselen Commission reported late in 1951.(4) It recommended that a separate Division of Bantu Education be set up and that this Division should fall under the Native Affairs Department (instead of the Provincial Administrations). The new Division should have Regional Divisions based on linguistic areas. There should be several types of schools: Lower Primary Schools for pupils from Sub. A to Std.II; Higher Primary Schools from Stds.III to VI; and High, Polytechnic and Vocational Schools and Teacher Training Colleges. Education should be through the medium of the mother-tongue for the first four years, this principle being gradually extended upwards, until in Teacher Training Institutions the mother-tongue medium was used for the teaching of many of the courses. From Sub. B., however, the pupils would have to learn at least one of the official languages. The conduct of the present State-aided schools should pass gradually from the Mission into the hands of Bantu Local and Regional Authorities.

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(1) Assembly, 18th February, 1954. Hansard 3, col. 793.

(2) Estimates given by Minister of Native Affairs in Assembly, 23rd February, 1954. Hansard 4, col. 1007.

(3) Information from Bureau of Educational and Social Research.

(4) U.G. 53/1951.

It appears that the Government intends adopting the principles of this Report. The Bantu Education Act of 1953 provided for the transfer of Bantu Education (excluding higher and special education but including teacher training) from the Provinces to the Union Department of Native Affairs. Three types of local control are to exist. Firstly, there will be Bantu Community Schools established by Bantu Authorities, Native Councils, tribes or communities, and in approved cases subsidized by the State. Secondly, there will be Government Bantu Schools, newly established by the Government or taken over from the Provinces. Thirdly, State-aided Bantu schools are provided for (these include mission schools). The Minister is required to consult the local Bantu community before granting aid to schools of the third type. As from a date to be fixed by the Minister, no school may be established or conducted unless it has been registered, registration being at the discretion of the Minister acting on the recommendation of the Native Affairs Commission. The Minister is empowered to issue regulations on specified matters in regard to the control and administration of Bantu education or on "any other matter" relating to Government Bantu Schools.

In moving the second reading of this Bill, the Minister of Native Affairs said that mission and government schools would disappear gradually in favour of Bantu schools. He continued (1), "Education must train and teach people in accordance with their opportunities in life, according to the sphere in which they live ... Native education should be controlled in such a way that it should be in accord with the policy of the State .... Good racial relations cannot exist when the education is given under the control of people who create wrong expectations on the part of the Native himself."

Later, at a meeting of School Inspectors, the Minister indicated (2) that he hoped to extend education to a larger number of Bantu children by making better use of existing educational facilities. Parents would be allowed full participation in the control of African schools by means of school committees forming part of Native Local Government authorities. It has recently been said (3) that for new school buildings the Department is likely to favour simple structures which can be built by Africans themselves.

A revolutionary decision in regard to the financing of Bantu Education was announced by the Minister of Finance in his Budget Speech on 21st March, 1954. It was felt, he said, that the Bantu should make a bigger contribution to meet the ever-increasing demands for education facilities for their own people. The direct expenditure on Bantu Education would amount to about £8,500,000 in 1954/55. The collection of Native taxes was estimated at £2,500,000, of which a fifth was diverted to the Native Trust Fund. The remaining four-fifths, namely £2,000,000, could be regarded as the Bantu's contribution to his own education, leaving a balance of £6,500,000 to be met by the general tax-payer. It was proposed that the tax-payers' contribution should in future be pegged at this amount, and that any excess should be met by the Bantu themselves, through increased taxation if necessary.

The Minister did not mention several important facts. Firstly, all African men pay poll tax, whereas members of other racial groups are taxed only when their incomes reach a certain level. Secondly, Africans pay considerably more than the £2,500,000 he quoted in <u>direct</u> taxation, for when their incomes reach the level fixed for other groups they, too, are required to pay income-tax. No statistics are available, but it has been estimated that over 20,000 Africans are income-tax payers. Thirdly, Africans pay no small share of the <u>indirect</u> taxation: to mention one item only, they must contribute very large amounts through the duty imposed on cigarettes. Fourthly, by his labour at low wages the African adds very materially to the national wealth and thus contributes to the taxes paid by large industries.

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(1) Assembly, 17th September, 1953. Hansard No. 10, cols. 3585, 3576.

(2) State Information Newsletter of 29th January, 1954.

(3) Numerous press reports, e.g. "Dagbreek en Sondagnuus" of 28th March, 1954, "Rand Daily Mail" of 31st March, etc.